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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,596	09/29/2003	Michael Roydon Puzey	2003_1352A	8546

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EXAMINER

CHARLES, MARCUS

ART UNIT PAPER NUMBER

3682

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/671,596

Applicant(s)

PUZEY, MICHAEL ROYDON

Examiner

Marcus Charles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11-22-2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This is the first action relating to serial application number 10/671,596, filed 09-29-2003.

Claims 1-18 are currently pending.

#### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Drawings***

The examiner has accepted the drawing filed with application.

#### ***Specification***

2. The disclosure is objected to because of the following informalities: The intended scope of the specification is unclear because in page 14, lines 9 and 15, reference numeral "158" is used to depict the pulley and in page 9, line 10, "158" is used to depict the complimentary formations on the inner formation of the drive member. In addition, in pages 8-9, the reference numeral "128" is used to depict a "thrust bearing" and in page 14, lines 8-9, "128" is used to depict a one way bearing". In page 14, line 14, it appears that reference numeral "100" is used to depict a bearing.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

4. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, it is not clear as to how each of the first and second drive transfer systems can connect to the first and second shafts. In addition, it is not clear as to what is being referred to the first and second drive system. In addition, it is not clear as to how either a one way drive mechanism or a first clutch can be connected to a first and second shaft in the same instant.

In claim 4, it is not clear as to what is being referred to as "a ratchet".

In claim 9, there is a double inclusion because the " a prime mover" is cited in claim 1.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Higdon (893,498). Higdon discloses a vehicle comprising a prime mover (18<sup>a</sup>), a drive arrangement, which has a shaft (17) connected to the prime mover and an output member (not labeled, see shaft which is axis of rear wheel; an endless flexible member in the form of a chain (40) which transfer rotational drive from the output shaft to the

wheel. The drive arrangement is movable to a limited extent to adjust the tension in the chain (40) via a chain tightener (19).

In claim 17, note the chain is a metallic belt engaged with the pulley (14).

In claim 18, it is apparent that the drive arrangement would have to pivot about the shaft at a very small angle in order to be tensioned by the tensioning member.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 11- 15 as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over In Ho (6,752,229) in view of Hein (2,809,535). Ho discloses a drive arrangement which includes a first drive transfer system which transfer rotational drive in a first rotational sense and at a first speed ratio from a prime mover (30) a final drive system; the final drive system is allowed to rotate in a first rotational sense independently of the prime mover vial a clutch system (70) and the actuator is also operable to enable the second drive system (60) to transfer rotational drive in the first rotational sense at a second speed ration which can be greater than the first speed ration from the primary mover to the final drive system. Ho does not disclose disabling the second driver transfer system from the rotational drive from the prime mover to the

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final drive system. Hein discloses a drive system comprising a first drive system having a first transfer system (25) and a second drive system with a second transfer system (19) which is capable of disengaging the transfer system from the rotational drive of the prime mover (10) in order to control the rotational movement due to response of the prime mover and to control the desired speed ratio for particular event such as loads.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of Ho so that the second drive system includes a second drive transfer system so as to disengage the second drive system from the prime mover to the final drive system in view of Hein in order to control the rotational movement due to response of the prime mover and to control the desired speed ratio for particular event such as loads.

In claims 12-13, note Hein et al. discloses a one-way clutch (25) including a bearing and a clutch (19).

In claim 14, it is inherent for a clutch to include an actuator so as to enable or disable the clutch.

In claim 15, note Ho discloses a vehicle (10).

***Allowable Subject Matter***

9. Claims 1-10 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.


**Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fong (6,505,845), Puzey (6,866,275), discloses a vehicle e with a drive system. Torres (4,946,016), JP (07-237596), Gredell (3,436,977) and Guslits et al. (4,830,165) disclose a drive system.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (571) 272-7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ridley Richard can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Marcus Charles  
Primary Examiner  
Art Unit 3682  
December 29, 2005